

Trevor Stefano
Pt. MacKenzie Corr. Farm
P.O. Box 877730
Wasilla, Alaska 99687

IN THE SUPREME COURT OF THE STATE OF ALASKA

State of Alaska)	
Department of Corrections,)	
Petitioner,)	
v.)	
Trevor Stefano,)	Supreme Court No. S-17892
Respondent.)	
<hr/>		
Trial Court No. 3AN-19-09950 CI		

RESPONSE TO PETITION FOR REVIEW
(Alaska R. App. Proc. 403(c))

Trevor Stefano, a pro se prisoner, hereby files a reponse to the Department of Corrections (DOC) petition for review. The DOC files its petition for review pursuant to Appellate Rule 402(b)(2) and (b)(4) arguing respectively that Superior Court Judge Ramgren's order needs review because the DOC claims "an important question of law on which there is substantial ground for difference of opinion" exists, and that if review is not granted "the issue might otherwise evade review."

DOC seeks review under the assertion that the superior court was without appellate jurisdiction to rule on the constitutionality of DOC's decision to remove Stefano from a rehabilitative program under the assertion that the DOC decision to remove Stefano from his rehabilitative program was an "administrative decision" which did not produce an adequate record capable of review. However, because the DOC removed Stefano from his rehabilitative program by means of giving Stefano a disciplinary infraction on the grounds he violated specific terms and conditions of the program rules, and this infraction was subsequently adjudicated at a disciplinary hearing having produced a record capable of review being that Stefano argued on record for

a period of 45 minutes that his constitutional right to due process and rehabilitation had been violated based upon the written infraction which served as the basis for his program removal, the Superior Court was with appropriate appellate jurisdiction to rule on the point of appeal. The DOC seeks immunity from having removed Stefano from his rehabilitative program under the guise of calling it an "administrative decision". Because Stefano's program removal came as a corollary to having received a disciplinary infraction on the grounds Stefano violated the rules of the program, and the infraction cited to the specific rules of the program Stefano was alleged to have violated, and this infraction was adjudicated at a hearing producing a record capable of review the Superior Court had jurisdiction and the ruling below should be permitted to stand without need of this court's review.

For these reasons, Stefano objects to the exercise of this court's power of discretionary review.

FACTUAL BACKGROUND

On May 29, 2009, respondent Trevor Stefano was found guilty by jury trial to second degree murder and was sentenced to 40 years with 15 years suspended. Stefano entered the Youthful Offenders Program at Spring Creek Correctional Center where he enrolled in a correspondence degree program with U.A.F. and earned the support of education staff of the facility (Appx. 1). In May of 2018 Stefano applied to serve his sentence on the DOC electronic monitoring program (EM) but required a policy override for acceptance into the program because he was six months outside of the eligibility window for program acceptance which required an offender to have three years or less to serve on their sentence. Stefano applied for an override on the grounds he had demonstrated "exceptional rehabilitation" and received the support of his institutional probation officer in seeking an override for acceptance (Appx.2).

The DOC, having determined that Stefano had demonstrated "exceptional rehabilitation" during the course of his nearly twelve years of incarceration, granted approval for appellant to serve the remainder of his sentence in the DOC's EM program. Stefano and "Gizmo," a deaf Australian Cattle Dog who Stefano trained in sign language while in custody in Wildwood Correctional Center (WCC), were initially released to Fairbanks where he became the general manager of the Splash & Dash Carwash and ultimately met the woman whom he married. Stefano later became a manager at the Fairbanks Nissan Dealership (Appx. 3) before eventually moving to Anchorage with his wife where he interviewed with the International Brotherhood of Electrical Workers and subsequently began an electrical apprenticeship working for Adam Electric. Stefano kept in frequent contact with the Superintendent, the probation officer, and the security sergeant of WCC where he had released from as part of his supportive reentry team (Appx 4).

On July 8, 2019 APD responded to a call of potential domestic violence at Stefano's residence after Stefano's wife had called APD. Stefano called his EM probation officer and requested permission to leave for the evening to a hotel and explained the situation; permission was denied. Stefano's brother Connor, an ex-felon, came to the residence in a mediating capacity at nearly the same time APD had arrived. Stefano was arrested under the mandatory arrest law, AS 18.65.530, and was transported to the Anchorage Jail and attended an arraignment hours later with the Municipality declining prosecution (Appx. 5).

Stefano immediately sought release back on the rehabilitative EM program but was instead, ten days later, given a written infraction on the grounds he violated the terms and conditions of the EM program by having contact with a felon; his biological brother who was off supervision. This written infraction

formed the basis of Stefano's removal from the EM program and was adjudicated at a disciplinary hearing where Stefano contested on record the violation of his due process and right to rehabilitation by having been removed from the EM program. Stefano was found guilty and pursued an administrative appeal with the assistance of privately retained counsel Cynthia Strout and Brian Heady.

At the disciplinary hearing, and on appeal, Stefano contended the EM program was a rehabilitative program to which his removal from for a first-time technical infraction violated his due process and rehabilitaiton. While on the program, Stefano was permitted to get married, obtain credit cards, sign a lease agreement, was taking care of a pet, and was otherwise permitted to engage in many aspects of societal reentry. Stefano argued that giving him an "exceptional rehabilitation" override for acceptance to the EM program and then failing to consider the affects upon his rehabilitation by removing him from the program violated not only his rights, but also the DOC EM policy "to utilize EM as a tool to effectively manage offenders for their successful reentry and transition to the community." (Appx. 6).

All of this was argued at length at Stefano's disciplinary hearing which was recorded and produced a record capable of review. The DOC now seeks review from this Honorable Court by attempting to mislead this court into believing the decision to remove Stefano from his rehabilitative program was an "administrative decision" separate from the disciplinary hearing but that is simply not true.

I. The Superior Court had appellate jurisdiaction to hear Stefano's Claims

Stefano filed an andminstrative appeal with the assistance of attorney Cynthia Strout pursuant to Appellate Rule 601 and 602. The Superior Court had jurisdiction to hear the administrative appeal under AS 33.30.295(a) as Stefano alleged a violation of "fundament constitutional rights that prejudiced the prisoner's right to fair adjudication."

The DOC urged the Superior Court to add Stefano's appeal of his termination from the rehabilitative EM program to the categories of DOC administrative decisions over which the superior court could not exercise appellate jurisdiction. But in its brief and at oral argument, DOC was unable to identify a proceeding in which Stefano should re-file his claims, and why he would receive better process in that alternate proceeding than he did in the appeal taken. Judge Ramgren found: "DOC's inability to address these questions makes sense because Stefano's issues do, in fact, stem from an adjudicative proceeding which produced a thorough record."

Stefano was terminated from the EM program and "written up" for his disciplinary infraction on the grounds he violated the specific rules of the program, and this infraction was in a single document prepared by PO Cosper. It was the same factual basis serving as the grounds for the "write up" which also served as the grounds for the termination from the EM program. Stefano requested a classification hearing and was denied but was given a disciplinary hearing, the recording of which was presented to the superior court as part of the record on appeal. The process Stefano received at that hearing is documented for the court, as are the forms Stefano submitted to DOC before and after that process. Stefano's claims relating to his termination from the EM program relate to the sufficiency of the process he received from DOC before and after his termination from the program. Thus, as the superior court found "from this detailed record, the court is able to review the process Stefano received and rule on these claims on the merits. Stefano is not required to re-litigate these issues in a separate proceeding."

II. The DOC Superintendent Lyou upheld the removal of Stefano from the EM Program in Stefano's internal appeal from the disciplinary hearing.

As stated above, Stefano argued on record that his removal from the EM

rehabilitative program violated his constitutional rights to rehabilitation. When Stefano was found guilty of the infraction which charged him with violating the rules of the EM program, Stefano appealed to the Superintendent Chris Lyou of the Anchorage Jail. Superintendent Lyou denied the appeal and made further adjudicative findings, all of which are part of the court's record. Supt. Lyou's denial details why the finding of the disciplinary hearing officer and the removal of Stefano from the EM program are justified (Appx. 7). Supt. Lyou's findings make it clear that the decision to terminate Stefano was a part of the disciplinary hearing adjudicative process which created a record capable of review. Because the disciplinary hearing was the adjudicative process given to Stefano for his removal from the EM program, and this process created a record capable for review, the superior court was with appellate jurisdiction to rule on DOC's decision to remove Stefano from a rehabilitative program.

III. The DOC procedure for removing Stefano Stefano from the EM program produced a record capable of review

As shown above, the decision to terminate Stefano from the rehabilitative EM program was made on the same factual basis forming the grounds of his written infraction, indeed the infraction was for violating the rules of the EM program. Stefano had the disciplinary hearing and argued his removal violated his right to rehabilitation, he also submitted papers. Stefano was found guilty of violating the EM program rules, specifically terms ~~#9~~ and ~~#21~~ of the program rules. Stefano appealed to the Supt. Lyou who ruled the removal from the EM program was justified based on the guilty finding by making further adjudicative findings on the terms of the EM program and how Stefano had violated them (Appx. 7).

IV. DOC EM program is a rehabilitative program

AS 33.30.065(b)(1)-(8) places special requirements upon the commissioner when considering to allow a prisoner to serve sentence by EM. The commissioner

must consider: (1) safeguards to the public; (2) the prospects for the prisoner's rehabilitation; (3) the availability of program and facility space; (4) the nature and circumstances of the offense for which the prisoner was sentenced or for which the prisoner is serving a period of temporary commitment; (5) the needs of the prisoner as determined by a classification committee and any recommendations made by the sentencing court; (6) the record of convictions of the prisoner, with particular emphasis on crimes specified in AS 11.41 or crimes involving domestic violence; (7) the use of drugs or alcohol by the prisoner; and (8) other criteria considered appropriate by the commissioner (Alaska Stat. 33.30.065(b)(1)-(8)).

This is quite the vetting process for permitting offenders to apply to the EM program, indeed the DOC restricts acceptance to the program even further by having a policy and procedure requirement that applicants to the program have less than three years less to serve, unless, they have demonstrated "exceptional rehabilitation" as Stefano had.

Thus, the DOC claim to this court that the ruling in which they now seek review from binds them in some way from removing "violent or dangerous inmates from EM - a public safety risk that DOC does not wish to take without clear guidance from this Court" is quite farfetched given the plethora of legislatively mandated vetting criteria the DOC is required to follow before accepting offenders to the EM program. This Court should not be mislead by the DOC's fanciful fear mongering cloaked under the guise of public safety when so many statutory provisions ensure safety of the public when accepting a confined citizen into the rehabilitative program of EM which DOC has declared as being a "tool to effectively manage offenders for their successful re-entry and transition to the community." (EM policy)

Moreover, the DOC asserts in its petition to this Honorable Court "EM

is an administrative placement determination - akin to DOC's decision to transfer an inmate from one facility to another within the state - not a rehabilitative program". This is an appalling statement devoid of all merit. An EM program participant must have housing and employment while on the EM program, further, the program participant must pay for the cost of the monitor. Undoubtedly, employment and housing must be provided by members of the public in the context of EM placement. DOC does not have authority to order a prisoner to serve their sentence on the EM rehabilitative program yet require the program participant to have housing and employment in the community which, in most every case, is provided by members of the public, and then charge the program participant a fee under 22 AAC 05.620.

Simply put, DOC cannot order prisoners to pay money for their "housing assignment". What if the prisoner the DOC is making an "administrative placement determination" to put on the EM program does not have housing and cannot obtain employment? These two things are requirements of the program. Thus, in this way, it is the members of the public who are compassionate enough to assist in prisoner reentry that make up 50% of the program, for without them the program could not exist. (Appx. 8 p. 1-4)

The DOC EM program bridges the confined citizens with members of the public who are aware of the confined citizens situation, and whom are kind enough to provide a second chance by offering work and home. The prisoners must apply to the EM program on a DOC provided form titled: "EM application", this applying must be done on a voluntary basis by the prisoner and if accepted to the EM program after having been vetted by the myriad of procedural safeguards of AS 33.30.065(b)(1)-(8), above, and surely other considerations, then the new EM program participant is able to participate, or has conferred upon them, special privileges in the form of living in the community, being able to

apply with unions and join apprenticeships as Stefano had, and otherwise begin the process of becoming a productive law-abiding member of society.

The DOC expresses concerns of potentially having to rewrite policy to conform with the order of providing a classification hearing to assess the rehabilitation of EM program participants before their removal from the program based upon technical infractions. This should not be problem or burden to the DOC as the DOC already has a policy 808.04 titled: Removal From Court Ordered Treatment and Rehabiliative Programs. This policy could simply be incorporated into the existing EM policy and more or less satisfy the classification hearing requirements. Ironically, policy 808.04 Removal from Rehabilitative and Court Ordered Treatment Programs was created by the DOC as a corollary to this Court's ruling in Ferguson v. Department of Corrections, 816 P.2d 134 (Alaska 1991) to satisfy the due process required before removing prisoners from rehabilitative programs. This would be an economical and time efficient way for the DOC to provide the due process protections, in fact, ~~the~~ under DOC policy 818.03 Prisoner Work Release Program, prisoners are permitted to serve their sentence in the community under the supervision of EM while working at the canneries and this policy specifically incorporates policy 808.04 to satisfy due process (Appx. 9 p. 1-3)

Additionally, the DOC has already stated that the EM program is a rehabilitative program (Appx. 10 p. 1-5). However, the DOC has also callously stated regarding the removal of a participant from the EM program that "it is not the responsibility of the Department to notify your landlord or place of work when you get returned to custody as an inmate." This attitude of the DOC serves to dissuade the public from wanting to participate in prisoner reentry as employers are left with a no-call no-show and not given notice of the loss of their employee, and landlords are left with a tenant vacancy and

property removal. (Appx. 11)

CONCLUSION

Because the written infraction received by Stefano formed the same factual basis warranting the DOC's decision to remove him from his EM program and a disciplinary hearing was held adjudicating the infraction and removal from the EM rehabilitative program, and because Supt. Lyou upheld this adjudicative decision and a record was capable for review, the superior court had proper appellate jurisdiction to rule on the issues presented before it.

The DOC decision removing Stefano from the EM program was not a separate "administrative decision" as the DOC claims; it was all determined at Stefano's disciplinary hearing despite Stefano having asked to go back to the program. Because the EM program is a rehabilitative program and because the superior court was with jurisdiction to hear Stefano's claims, the lower court's ruling must stand and review of the DOC's petition is not warranted.

RESPECTFULLY SUBMITTED,


Trevor Stefano

CERTIFICATE OF SERVICE

I certify that on 10/01/2020 a copy
was mailed to:

Mrs. Anna Jay

1031 W. 4th Ave. Suite 200
Anchorage, AK 99501

June 15, 2012

To Whom It May Concern,

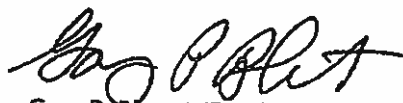
I am a teacher in the Youthful Offenders Program at Spring Creek Correctional Center and have been for the past eleven years. During the past year I have gotten to know Trevor Jon Stefano. He is working toward his college degree and I have acted as a mentor and tutor during this time while helping him with his college algebra. I feel I have come to know Trevor quite well and have found him to be an exceptional young man. He is very intelligent and is able to grasp difficult concepts on his own without having to rely on others.

I have also observed Trevor during the time he was working at his job. He is a very dependable and dedicated employee who always seems to be willing to go that "extra mile" if the situation calls for it. He is a young man to whom I would not hesitate to offer a job if I had one available.

I have been in contact with Trevor enough over the last year so as to form the opinion that he has a fine character and will continue to make decisions which will be good for both himself and the community in which he lives. Thus, I think he will become a fine citizen and a credit to society.

Therefore, I am happy to recommend Trevor Jon Stefano for any college acceptance or job for which he may be applying. I'm sure he will be an outstanding student or employee for you.

Sincerely Yours,



Gary P. Blount, Teacher

Spring Creek School

Appx 1

Sutton, Zoe E (DOC)

From: Bailie, Kristine M (DOC)
Sent: Wednesday, February 21, 2018 4:24 PM
To: Sutton, Zoe E (DOC)
Subject: FW: STEFANO, Trevor EM App
Attachments: SWTP Scanne18022014260.pdf

Hello PO Sutton,

Attached is an EM application for inmate STEFANO, Trevor. During this incarceration he has successfully completed numerous programs and treatment. He has gone beyond and successfully completed college classes. I feel he has met the requirements of exhibiting exceptional rehabilitative behavior. I instructed Mr. Stefano to include with his application why he feels he has met these requirements. Please let me know if you need any additional information.

Kris



KRISTINE BAILIE
POII

Alaska Department of Corrections
30 Chugach Ave • Kenai, AK 99551
Office: (907) 260-7244 • Fax: (907) 260-7229
kristine.bailie@alaska.gov

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Appx. 2

February 20, 2019

Re: Reference for Trevor Stefano

To who it may concern,

Trevor came to work for us a few months ago as our Detail Manager. At his interview he was upfront and honest about his felony conviction and the reasons for that conviction. We decided to take a chance on him based off his professional interview and previous experience working as a detailer. I was personally impressed that he had used his time while incarcerated to further his education as much as he has.

At no time have we had any issues with Trevor. He is on time and works hard every day. He sets a good example for other employees. We have enjoyed having Trevor working for us at Fairbanks Nissan and would consider him for re-hire in the future.

Please feel free to contact me with any further questions.

Sincerely,

Debbie Currence



Sales Manager
Fairbanks Nissan
2610 S Cushman St.
Fairbanks AK 99701
907-452-1701
debbie@fairbanksnissan.net

FAIRBANKS PED

FEB 28 2019

TIME RCVD: _____

Appx. 3

Danee Pontious

From: A Stefano <stefanogold@hotmail.com>
Sent: Tuesday, December 17, 2019 2:26 PM
To: Cynthia Strout; Danee Pontious
Subject: Fw: Doing well, hope to still get Gizmo

From: Trevor Stefano <trevor@fairbankscarwash.com>
Sent: Monday, December 16, 2019 1:19 PM
To: stefanogold@hotmail.com <stefanogold@hotmail.com>
Subject: Fwd: Doing well, hope to still get Gizmo

----- Forwarded message -----

From: Trevor Stefano <trevor@fairbankscarwash.com>
Date: Sat, May 26, 2018 at 7:50 AM
Subject: Doing well, hope to still get Gizmo
To: <matthew.zeek@alaska.gov>
Cc: <James.milburn@alaska.gov>

Hello SGT. Zeek. This is Stefano and I wanted to once again keep in touch with you and let you know that I am doing very well. I have been working full-time, my mother moved up here, and I have an unbelievable amount of support from all my coworkers. I am the manager at the Splash & Dash Carwash and implementing new procedures and SOPs for smoother operations of the business.

I am having Gizmo's dog tags made up and additionally ordering his GPS tracking collar, I know that we said 2 months wait time before I could have my mother come pick him up, but I was thinking if I continue to demonstrate good behavior and being well adjusted that I could get him in 1 month or a month and a half. I have now been out two weeks.

Of course you can check in with my EM officer James Johnson and/or Zoe Sutton. I will be bringing up Gizmo at my next office visit with them and will send you pictures of his dog tags when they arrive.

Thank you for allowing me to prove myself worthy of having Gizmo.

Respectfully,

Stefano 506410

Appx. 4 p. 1 of 3

Cc: Milburn

Danee Pontious

From: A Stefano <stefanogold@hotmail.com>
Sent: Tuesday, December 17, 2019 2:30 PM
To: Danee Pontious; Cynthia Strout
Subject: Fw: Gizmo and Stefano

From: Trevor Stefano <trevor@fairbankscarwash.com>
Sent: Monday, December 16, 2019 2:15 PM
To: stefanogold@hotmail.com <stefanogold@hotmail.com>
Subject: Fwd: Gizmo and Stefano

----- Forwarded message -----

From: Baillie, Kristine M (DOC) <kristine.baillie@alaska.gov>
Date: Mon, Oct 8, 2018 at 8:15 AM
Subject: Re: Gizmo and Stefano
To: Trevor Stefano <trevor@fairbankscarwash.com>

Poor Gizmo!!! This makes me sooooo angry!!! Kudos to you for keeping your cool, I'm not so sure I would have. Please keep us posted on his recovery. I am glad to hear everything is going good for you. Keep up the good work!

Kristine Baillie POII
Wildwood Pretrial Facility
10 Chugach Ave.
Kenai AK 99611
(907) 260-7249
kristine.baillie@alaska.gov

From: Trevor Stefano <trevor@fairbankscarwash.com>
Sent: Friday, October 5, 2018 8:28:42 PM
To: Zeek, Matthew K (DOC); Baillie, Kristine M (DOC); McCloud, Shannon S (DOC); Milburn, James M (DOC)
Subject: Gizmo and Stefano

Gizmo broke his leg!!!!

Apparently someone at my work who gizmo was not familiar with went out to my office and attempted to wake him by petting him. Gizmo supposedly attacked immediately out of sleep (he is use to only seeing me wake him) and the person kicked him hard enough to break his leg..

I was so pissed.

I took him to the vet and paid \$2500 for his surgery and he is healing up now while that employee is looking for new employment.

Sorry for the bad news.

Aside from that, I am doing very good and still working, working out and obeying all my rules.

Thank you for all your support and I will be in touch with gizmos up dates

Appx. 4 p. 2 of 3

VERY GOOD

From: Trevor Stefano <trevor@fairbankscarwash.com>
Date: Sun, Jul 29, 2018 at 1:26 PM
To: Milburn, James M (DOC) <James.milburn@alaska.gov>

From: McCloud, Shannon S (DOC) <shannon.mccloud@alaska.gov>
Date: Sun, Jul 29, 2018 at 1:48 PM
To: Trevor Stefano <trevor@fairbankscarwash.com>

Very nice article!

Sent from my iPhone

From: Bailie, Kristine M (DOC) <kristine.bailie@alaska.gov>
Date: Mon, Jul 30, 2018 at 8:41 AM
To: Trevor Stefano <trevor@fairbankscarwash.com>

Great job!! It must feel nice to have your name in the paper for something positive!!! Your boss should open one of the car washes here in either Kenai or Soldotna.



KRISTINE BAILIE
Probation Officer II

Alaska Department of Corrections
5 Chugach Ave • Kenai, AK 99611
Office: (907) 260-7270 • Fax: (907) 260-7224
kristine.bailie@alaska.gov

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Appx. 4 p. 3 of 3

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

MUNICIPALITY OF ANCHORAGE,

Plaintiff,

vs.

TREVOR JON STEFANO

1402 W 47th Ave Unit C

Anchorage, AK

DOB: 12/07/1986

Defendant.

Case No. 3AN-19-6779 CR

NOTICE OF DECLINE AND EXPEDITED REQUEST TO VACATE
CONDITIONS OF RELEASE


VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of a crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.


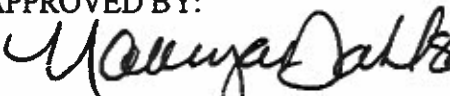
The Municipality of Anchorage hereby provides notice that the above case is being declined for prosecution and requests that bail conditions and any future hearing(s) be vacated. The Municipality further informs the court that notice was provided to the victim, and the Municipality sent notice to the defendant by mail at the last reported address.

DATED at Anchorage, Alaska the 8th day of July, 2019.

MUNICIPALITY OF ANCHORAGE
Rebecca A. Windt Pearson
Municipal Attorney

By 
Sarah Stanley
Municipal Prosecutor
Alaska Bar Number 1211116

Appx. 5

<p align="center">STATE OF ALASKA DEPARTMENT OF CORRECTIONS</p>  <p align="center">POLICIES & PROCEDURES</p>	SECTION: Institutions		PAGE: 1 of 9
	CHAPTER: 818	NUMBER: 818.10	P&P TYPE: Public
	TITLE: Sentenced Electronic Monitoring		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 07/09/2020
ATTACHMENTS / FORMS: A. EM Information Form B. EM Terms and Conditions C. EM Permission to Enter and Search Form D. EM Checklist E. EM Denial Form F. EM Appeal Form G. EM Indigent Form H. EM Weekly Report Form I. EM Weekly Schedule J. EM Employment Verification Form K. EM One-Time Schedule Form L. EM Movement Log M. EM Driving Authorization Form N. EM Application Form for First Time DUI/Refusals O. EM Terms and Conditions for First Time DUI/Refusals (Regular EM) P. EM Terms and Conditions for First Time DUI/Refusals (Home Confinement)	AUTHORITY / REFERENCES: AS 12.55.015 AS 28.35.030 AS 28.35.032 AS 33.30.011 AS 33.30.061 AS 33.30.065 22 AAC 05.155 22 AAC 05.212 22 AAC 05.620		

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to utilize electronic monitoring (EM) as a tool to effectively manage offenders for their successful re-entry and transition to the community.
- II. It is the policy of the DOC to screen all offenders to determine their eligibility and appropriateness for placement on EM. DOC staff shall process all offender eligibility forms received and those who are accepted will be supervised in a manner to ensure their compliance with the terms and conditions of the program.
- III. It is the policy of the DOC to have in place procedures for the review and approval of private contractors for EM services.

Appx. 6

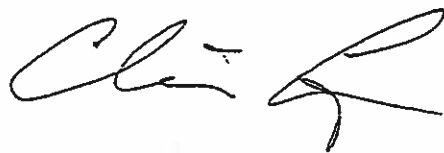
SUPERCEDES POLICY DATED:	N/A
THIS POLICY NEXT DUE FOR REVIEW ON:	07/08/2025

1. Policy 809.04 Procedures C. #3 Disciplinary report: states "The prisoner must be served with a disciplinary hearing notice along with a copy of the Disciplinary report within five (5) working days of the alleged infraction ***or the date that the prisoner is identified as a suspect***, whichever occurs later." PO Cosper had to investigate the incident to identify if an infraction had potentially been committed. Just because Stefano came to jail does not mean an infraction had been committed. After his investigation he identified prisoner Stefano as a suspect of committing an infraction and wrote his incident report on 7/17/2019 (see incident report). Prisoner Stefano was served his hearing paperwork on 7/23/2019 the forth working day and within the five working day window.
2. The witnesses were denied, as testimony of his brother coming to his residence unannounced would not have either proved nor disproved the infraction. EM condition #9 states I will obtain prior approval from EM officers before having visits from, family members, and / or associates to my residence with the exception of unannounced visits (***ie. Public and local business persons.***) (See EM condition #9) The condition states the only unannounced visits permitted are from public and local business persons. It is Stefano's responsibility to have his family and friends abide by the conditions of his EM placement. Stefano did not request a postponement through his hearing advisor or via RFI 24 hours in advance of the hearing. He could have had his attorney present for the hearing if he requested a postponement BEFORE the hearing.
3. The Electronic monitoring terms and conditions form states "I understand and agree to the following conditions during my participation in EM" Prisoner Stefano signed the bottom of the

form and initialed next to each condition this is even more of a direct order. Additionally prisoner Stefano is serving time under the department of corrections and is subject to the rules of the department.

4. The phone calls in question were from booking to his wife. Recorded phone calls were not admitted, they would not have either proved nor disproved the infraction.
5. Again prisoner Stefano is serving sentenced time under the department of corrections and is subject to its rules.
6. Prisoner is to be commended on his actions while in prison. He has done well during his incarceration and I don't think his rehabilitation is ruined. The fact remains that his EM was terminated due to his failure to follow his stated conditions. It will be up to the EM program whether they readmit him to the program.
7. His attorney can help him with his appeal to the courts.
8. This is up to EM.

Your request for relief is denied and the original determination of the B-D-Ed stands.



Chris Lyou
Superintendent I
Anchorage Correctional Complex

APPX. 7 p. 2 of 2

AUG 06 2019

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Trevor J. Stefano
ACOMS# 506410
Goose Creek Correctional Center
22301 West Alsop Road
Wasilla, Alaska 99623

Friday June 12, 2020

Barbra
Matsu-Coalition
Wasilla, Alaska

RE: Re-entry aspects of DOC Sentenced Electronic Monitoring Program
And Need For Change

Attention Barbra:

As of now, a participant on the DOC sentenced EM program may be returned to a correctional facility at the discretion of the probation officer. In nearly all cases of returning a participant to custody, this discretion is abused by failing to give consideration to the negative effects upon the program participant's rehabilitation, and the negative effects on the citizens of the community who have been kind enough to assist in re-entry by providing employment opportunities and housing options. This needs serious consideration.

The DOC EM policy (903.06) states that the EM is to be "utilized as a tool for ... successful prisoner re-entry and reintegration back into society". I would like to point out to you how this is not being done and in many cases, the removal of program participants and returning of them to custody severely damages the desire of citizens to assist in prisoner re-entry.

A program participant can only succeed on the EM program to the extent that citizens are willing to offer employment and housing options for those on the program. A program participant must have housing to release to and engage in employment while on the program. In this way, the members of the public are proxy participants of this program, and the only way the program works is through the compassion of these citizens who are willing to assist in confined citizen re-entry by offering employment and housing.

When a probation officer is considering removal of a program participant from the EM program, *which is done completely at the individual PO's discretion*, there is no requirement under the DOC policy to consider the effects it will have on the rehabilitation of the program participant, nor how removal may negatively affect the public citizen's desire to assist in prisoner re-entry in the future.

I was on the EM program for nearly a year-and-a-half. I got married, maintained an apartment, and worked two jobs; Pizza Hut, and Adam Electric LLC as an electrician apprentice. I was doing well as a contributing member of society and feeling proud of myself.

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I was removed from the EM program and remanded to prison at the discretion of my probation officer when I had unauthorized contact with a felon; my blood brother who was not on supervision and whom I worked with at Pizza Hut and had been given permission to associate with.

In the interest of full disclosure, there were some other factors surrounding my "termination" from the EM program. I got arrested for a misdemeanor DV under Alaska's mandatory arrest law and was brought to the jail. This charge was reviewed by the judge and DA about six hours later and declined for prosecution with an order issued for my expedited release. Because there was no statutory basis for my removal from the EM program due to my arrest, PO Cosper exercised his discretion to terminate me from the EM program. The probation officer is permitted under Alaska Statute 33.30.065 to return a program participant to a correctional facility at that individual PO's discretion. This exercise of discretion provides no due process and *discretion* is synonymous with *opinion of the officer*. This allows for the potential of abuse of discretion, if the opinion of the officer regarding the circumstances is at odds with the severity of the perceived offense. In my case the specific "violation" was the unannounced visit of my brother who is a felon to my residence. However, this known felon, my blood relative, had secured unconditional release, and permission had been granted to both work with, and to visit this individual. An issue of this nature should be put before a court or authority, similar to the PTRP process or classification review, to determine if it rises to the level which would warrant the termination of EM program participation, and any potential adverse effect upon the participant's rehabilitation. In short, due process is needed.

The citizens of the community are what make the EM program function. Without them, and their willingness to employ or house convicted felons who are re-entering society, the program would not work. Employers must be accommodating to the needs of the program requirements. Those on EM must leave work for several hours throughout the week at random times to report for random drug testing or office check-ins. This can be frustrating to an employer who needs that program participant employee to be at work, but their willingness to assist in re-entry and offer a second chance is a compassionate act of grace. An employer must sign a piece of paper acknowledging that the employee is on EM, additionally, a landlord is required to know as well.

When I was kept in the jail and not permitted to return to the EM program, the discretion of the probation officer to do this gave no consideration to my employers, my lease agreement, my wife, or the debt I had from credit cards, contract with Geico and AT&T, that I was allowed to incur while on the program.

My employer Mr. Moore had just secured a large contract with Taylor Fire to install a new fire alarm system for the entire Glacier Brew House/ Orso's restaurant building. This contract was secured having factored in having me for a set number of workable hours. When I was removed from the program it put the company's reputation to the test as I was not immediately replaceable. Mr. Moore held my job for me for several weeks until his frustration in knowing that the probation officer had discretion to return me to employment but chose not to, now Mr. Moore is unwilling to assist in re-entry again. This is a terrible loss for successful re-entry. Mr. Moore was an employer who was willing to hire re-entering citizens and provided them an apprenticeship in a skilled profession. I was working with Mr. Moore to consider building his company with more re-entering felons who had graduated the electrical apprenticeship at GCCC. This is now not an option.

I had to take a loan to make my lease so I did not default. I have nearly \$12,000.00 is debt that I must dig out from under once I get back out and that grows monthly while I am kept here.

Appx. 8 p. 2 of 4

The removal from the EM program at the discretion of the probation officer should have requirements to consider the effect removal has upon the citizens willing to assist in reentry. Considerations should also be had to the amount of debt and housing of the participant, as well as rehabilitation.

Typically, when an EM program participant is violated it looks like this:

1. Told to report to the office
2. The participant drives to the office not knowing what will happen
3. Participant is cuffed and brought to the jail
4. The vehicle the participant drove in is impounded
5. The employer is not notified and wonders where their employee is
6. The landlord has a tenant vacancy and must deal with property removal
7. The program participant has defaulted on a lease agreement, has a no-show no-call to work and an employment gap.
8. The program participant is not afforded an opportunity to pay off credit cards they were permitted to get while on the program
9. The program participant is charged for the EM equipment base unit which is still at the now vacant residence and not permitted back on the program until this is paid.
10. There is no classification hearing to determine the negative effects of program removal upon the participant, the employer, etc. No opportunity for employer comments.

DOC has got to do better. If not for the returning citizen then for the actual citizens with hearts compassionate enough to help in reentry so they do not feel scorned for helping and dissuaded from helping in the future.

I asked for a classification hearing to determine the negative effects my program removal was having upon my rehabilitation and was told "EM is not a rehabilitative program".⁵ (See attachment A). I then wrote the PO IV Sabrina McKnuckles who is in charge of EM and explained why EM is a rehabilitative program, I received no response. (See attachment B) I then filed an appeal in court arguing that EM was a rehabilitative program and my removal negatively affected my right to rehabilitation which is constitutionally protected.

Superior Court Judge Ramgren issued an order denying my request to stay sanctions but in the order he ruled that EM is indeed a rehabilitative program which program participants may not be removed without some level of due process. (See attachment C).

This level of due process is contained in DOC policy 808.04 *Removal From Rehabilitative And Court Ordered Treatment Programs*. This policy is not incorporated into the EM policy 903.06. If it was, the due process would be satisfied. A classification hearing should be required before removal from the EM program with opportunity for consideration of the citizens who offered employment and housing, as well as the rehabilitation of the program participant.

Please take a look at this. If you have any questions, I am more than willing to be of whatever assistance I can. What has happened to me has happened to far too many and it is the antithesis of successful prisoner reentry, serving to dissuade community citizens from wanting to assist with employment and housing of EM program participants, which again,

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Thank you so much, Barbra, for reading this. Please help where you can.

Be blessed.

Trevor Stefano.

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**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

SECTION: Institutions		PAGE: Page 1 of 11
CHAPTER: 818	NUMBER: 818.03	P&P TYPE: Public

TITLE:
Prisoner Work Release Program

APPROVED BY: *[Signature]*
Dean R. Williams, Commissioner

DATE:
11/22/17

ATTACHMENTS / FORMS:

- (A.) WRP / VWRP Employment Agreement Form.
- (B.) WRP / VWRP Application Form.
- (C.) WRP / VWRP Terms And Conditions Form.
- (D.) WRP / VWRP Placement Checklist.
- (E.) WRP / VWRP Approval / Denial Notice.

This Program is almost a mirror of the EM program and it requires compliance with 808.04 where EM does not. See last Page

AUTHORITY / REFERENCES:

22 AAC 05.155 AS 33.30.121
AS 11.41 AS 33.30.131
AS 11.56.340-350 AS 44.28.030
AS 25.27 DOC P&P 304.01
AS 33.05.010 DOC P&P 808.04
AS 33.16.180 DOC P&P 808.14
AS 33.30.011 DOC P&P 1000.01
AS 33.30.021 DOC P&P 1208.15
AS 33.30.101 DOC P&P 1208.16
USCIS, Form I-9, OMB #: 1615-0047.

DISCUSSION:

The Department of Corrections (DOC) recognizes that by providing an opportunity for certain prisoners to engage in productive / pro-social work outside of the institution, those prisoners start to connect to appropriate resources and become self-sufficient. This increase in independence along with a continuum of care from the Department can aid in a prisoner's successful transition and reentry in to the local community upon their release.

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place procedures for a work release program for qualified prisoners.
- II. It is the policy of the Department to allow prisoners to engage in work as part of a group as well as on an individual basis.
- III. It is the policy of the Department to only allow prisoners to be employed by an employer and at a location pre-approved by the Department.
- IV. It is the policy of the Department to monitor participants in the Work Release program to ensure their compliance with the conditions of the program.

APPLICATION:

This policy and procedure will apply to all Department employees and prisoners.

Appx. 9 p. 1 of 3

SUPERCEDES POLICY DATED:

THIS POLICY NEXT DUE FOR REVIEW ON:

N / A

11/22/22

SECTION: <div style="text-align: center;">Institutions</div>		PAGE: Page 10 of 11
CHAPTER: 818	NUMBER: 818.03	P&P TYPE: Public
TITLE: Prisoner Work Release Program		

c. Non-payment of the weekly fee may result in a prisoner being suspended from participation in the WRP / VWRP.

2. Payroll checks for work groups will be collected in-person from the employer by the WRP / VWRP monitoring staff and returned to the local institution for processing.
3. In accordance with DOC P&P 304.01, Prisoner Wage Disbursal, child support payments are a priority and will garner up to 40% of a prisoner's WRP / VWRP wages. DOC P&P 304.01, Prisoner Wage Disbursal may also be referred to for a description of further payments that may be garnished from a prisoner's wages.
4. Prisoners will also be required to pay towards restitution or fines ordered by the sentencing court (at a rate of up to 20% of a prisoner's WRP / VWRP wages), pay a civil judgment arising out of criminal conduct, or support the dependents of the prisoner as required by AS 25.27.
5. Prisoners' wages may also be used to pay towards institutional restitution if a prisoner owes the institution money as the result of a previous infraction.

D. WRP / VWRP Escape / Non-return:

1. Escape Procedures per DOC P&P 1208.16, Institutional Emergency Plan, will be followed when a prisoner's whereabouts are unknown for two (2) hours.
2. Department staff will confirm that there is an unauthorized absence by physically checking the authorized employment location.
3. The prisoner will be placed on lockdown status via their GPS monitoring device and the electronic monitoring software.
4. WRP / VWRP monitoring staff will attempt to locate the prisoner utilizing any available mapping features in coordination with the prisoner's GPS device.
5. If the prisoner does not return to the institution within the two (2) hour window, law enforcement will be contacted and an arrest warrant will be issued under AS 11.56.340-350. The prisoner is subject to criminal prosecution as well as termination from the WRP / VWRP and disciplinary action.

VI. WRP / VWRP Participation Suspension / Termination:

A. A prisoner's participation in the WRP / VWRP may be suspended or terminated at any time. Reasons for suspension or termination from the WRP / VWRP may include, but are not limited to:

1. Failure to comply with the rules set out in the *WRP / VWRP Terms And Conditions Form* (Attachment C);

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SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	11/22/22

SECTION:		PAGE:
Institutions		Page 11 of 11
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818	818.03	Public
TITLE:		
Prisoner Work Release Program		

2. Failure to comply with the standards of conduct set out in Procedures, section IV of this policy;
 3. As a result of a prisoner's institutional behavior while participating in the WRP / VRP; and
 4. As a result of a prisoner's voluntary withdrawal from the WRP / VWRP.
- B. Suspension or termination in the WRP / VWRP will be governed by the procedures set out in DOC P&P 808.04, Removal From Rehabilitation And Court-Ordered Treatment Programs.
- C. The procedures set out in DOC P&P 808.04 will be followed when suspending or terminating a prisoner from the WRP / VWRP, and the forms indicated by DOC P&P 808.04 may be utilized for this purpose.

APPX. 9 P. 3 of 3

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	11/22/22

Request for Interview

COPY

Name:	TREVOR STEFANO	Institution:	GCCC	Date:	3/11/2020
OTIS#	506410	Mod/Quad:	Hotel 27-T		

To: Education/Programs Officer

Request:

I have a question about a program I hope you can answer. It's about the Community Electronic Monitoring program (EM) policy 903.06. The policy says it is for "a successful re-entry and transition to the community". Also, a requirement of the program is employment being maintained by the program participant (EM Term and Condition #6: 903.06b). Also, Alaska Stat. 33.30.065(B)(2) says a prisoners prospects for "rehabilitation" shall be considered before putting a prisoner on EM. My question is: Does this make the EM program rehabilitative in nature? Are there such aspects to the program as to call it a "rehabilitative program" or a non-institutional work release program since you have to work to be on EM? Thank You.
 *See attached Policy 808.04.

Prisoner Signature:

T. Stefano

Action Taken: Refer to your PO to apply apply for EM. Yes it appears that EM is a rehabilitative work release program. You must work while on EM. You will be assessed for rehabilitation before acceptance into the program.

Employee Signature:

Date:

3-21-2020

Final Action Taken:


Employee Signature:

Date:

Instructions: Request must be specific and state the action being requested (i.e., interview, hearing, etc.)
 Requests are to be responded to within a reasonable time of receipt.

Appx. 10 P. 1 of 6

Distribution: Original to Case Record
 Department of Corrections, Form 808.11A
 Rev.04/08

	State of Alaska Department of Corrections Policies and Procedures	Index #:	808.04	Page 1 of 5	
		Effective:	11/26/14	Reviewed:	
		Distribution:	Public	Due for Rev:	11/2018
	Chapter: Prisoner Rights				
	Subject: Removal from Rehabilitation and Court-Ordered Treatment Programs				

I. Authority

In accordance with AS 44.28.030, AS 33.30.011 and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. References

AS 33.30.091

AS 33.30.191

III. Purpose

To establish due process guidelines for the removal of a prisoner from a rehabilitation program.

IV. Application

All prisoners and staff.

V. Definitions

None.

VI. Policy

The Department shall establish guidelines for the removal of a prisoner from a rehabilitation program and ensure due process before the removal is affected. The Department will provide notice to a prisoner of its intent to remove the prisoner from a program covered by this policy and will give the prisoner an opportunity to present objections to the proposed removal before the removal takes effect. This policy is not applicable to removal of a prisoner from programs or activities which are not specified in Procedures, Sections C1 or D1 below.

VII. Procedures:

A. This Policy & Procedure does not prohibit the temporary suspension of a prisoner from a program under appropriate circumstances. This does not include:

1. removal as a necessary condition of the prisoner's placement in administrative segregation;
2. removal as a penalty by a disciplinary committee in accordance with P&P 809.02 (Prohibited Conduct and Penalties);
3. removal as an informal resolution to an alleged disciplinary infraction in accordance with P&P 809.02 (Prohibited Conduct and Penalties);
4. voluntary withdrawal from a program or activity by a prisoner;

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next page

Subject: Removal From Rehabilitation and Court-Ordered Treatment Programs	Index #: 808.04	Page: 2 of 5
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5. termination from a program run solely by an outside provider (e.g., local school district high school program) as long as the provider makes an appeal mechanism available to the terminated prisoner; or,
6. successful completion of requirements of a program or activity.

B. Notice of intent:

1. When a treatment provider, identified in sections C1 or D1 below, determines that a prisoner should be removed from a program because of failure to comply with program requirements, or for other good cause, either the person responsible for the program, a staff person closely associated with the prisoner's involvement in the program, or a designee shall first give the prisoner a Notice of Intent to Remove From Program (form 808.04B). The staff person or treatment provider must give the prisoner an opportunity to discuss his/her discharge prior to securing the prisoner's signature. If the prisoner refuses to sign the notice, the staff person or treatment provider must note this on the form and witness the refusal to sign. The original copy of the form will be placed in the prisoner's institutional case record file and distribute additional copies as required. See Policy & Procedure 602.02 (Case Record Management).
2. The staff person or treatment provider responsible for the program may give the prisoner a Warning Regarding Program Participation (form 808.04A) prior to initiating the process for notification of removal.

C. Removal from court-ordered treatment programs required during incarceration:

1. Court-ordered treatment programs include sex offender treatment, substance abuse treatment, anger management and "batterers" treatment programs which include written, individualized treatment plans discharge summaries, and which have been approved by the Director of Institutions or Health Care Administrator as meeting the standards for court-ordered treatment programs. Any requirement for court-ordered treatment that a prisoner must participate in during their period of incarceration will appear in the final judgment. A court "recommendation" must not be interpreted as a court "order."
2. When a determination is made that a prisoner should be removed from an available court-ordered treatment program required during incarceration, because of failure to comply with the requirements of the program, or for other good cause, the treatment provider or contract program provider and institutional staff shall follow the procedures outlined below in Section D. The Institutional Probation Officer will file an Affidavit or Probation Revocation paperwork if the prisoner is in deliberate violation of a court order.
3. It is the responsibility of the treatment provider to issue a discharge summary to the prisoner's Institutional Probation Officer within 30 days of the prisoner's discharge from the program. The discharge summary must describe the prisoner's status at discharge.

D. Removal from other rehabilitation programs:

1. Other rehabilitation programs covered by this policy include the department's academic and vocational education programs, non-institutional employment work programs and those programs which may be court-ordered under Procedures, section B1 above, but have not been so ordered.
2. When a determination is made that a prisoner should be removed from a rehabilitation program because of failure to comply with the requirements of the program or for other good cause, either the staff person responsible for the

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Subject: Removal From Rehabilitation and Court-Ordered Treatment Programs	Index #: 808.04	Page: 3 of 5
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program, the contract program provider associated with the prisoner's involvement with the program, or a designee shall deliver to the prisoner a Notice of Intent to Remove From Program (form 808.04B). This Notice may be preceded by a Warning Regarding Program Participation (form 808.04A) at the discretion of the individual responsible for the program.

3. The staff member providing a copy of the "Warning Regarding Program Participation" or "Notice of Intent to Remove From Program" shall observe the prisoner sign the form. Once completed, a copy must be made and provided to the prisoner to show receipt and understanding of the Notice. The original copy must be placed in the prisoner's Case Record in accordance with Policy & Procedure 602.01 (Prisoner Case Record Management) and additional copies distributed as required. If a prisoner refuses to sign the notice, the staff member shall witness the prisoner's refusal to sign on the form.
4. The notice must include the reason for the proposed removal, and must be issued according to the following:
 - a. The proposed removal will become effective at 4:30 pm the next working day unless the prisoner requests a hearing before a classification committee/hearing officer in accordance with Policy & Procedure 700.01 (Prisoner Classification) by completing the appropriate section on form 808.04B and returning it to the designated staff member before the removal becomes effective;
 - b. If the prisoner fails to exercise the right to a classification hearing in a timely manner, the removal will become effective and is not subject to appeal;
 - c. If the prisoner exercises the right to a classification hearing, the proposed removal will not be immediately implemented but will be considered before a classification committee/hearing officer at a date and time established by the classification chairperson. However, a decision to temporarily suspend the prisoner's participation under section C below will not be affected by this provision; and
 - d. The decision of the classification committee/hearing officer may be appealed in accordance with P&P 700.01 (Prisoner Classification). For rehabilitative programs, all appeals of the superintendent's decision are referred to the Director of Institutions for final determination. For court-ordered treatment programs, the final decision is made by the Director in consultation with the Health Care Administrator.
 - e. A decision by the classification committee/hearing officer to remove a prisoner from a program will be implemented immediately whether or not the prisoner appeals the decision.

E. Temporary suspension:

Notwithstanding sections 4c or 4d above, a prisoner may be temporarily suspended from a program if an individualized determination has been made by the Superintendent or designee justifying the suspension.

1. The individualized determination will be expressed in writing and will include the facts that justify a determination that the prisoner's continued participation in a specific program presents a substantial risk of disruption to the program, the security of the facility, or the safety of the public.

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Subject: Removal From Rehabilitation and Court-Ordered Treatment Programs	Index #: 808.04	Page: 4 of 5
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2. A prisoner temporarily suspended from a program will be provided with a Notice of Temporary Suspension From Program (form 808.04C) within one working day which states the reason(s) for the suspension.
3. A temporary suspension from a program may last only as long as the conditions warranting it exist, or until the prisoner has been removed from the program or activity in accordance with sections 4b or 4c above.

F. Applying for readmission:

A prisoner removed from a program under procedures outlined in sections 4b or 4c above, or for any of the reasons outlined in policy section 4d may apply for readmission to that or other programs by contacting the Institutional Probation Officer or program supervisor.

G. Removal due to prohibited act under P&P 809.02 (Prohibited Conduct and Penalties):

When the basis for a prisoner's removal from a program is conduct which constitutes a prohibited act under Policy & Procedure 809.02 (Prohibited Conduct and Penalties), any disciplinary action taken as a result of this conduct may occur simultaneously with the classification actions. Any penalties imposed as a result of the disciplinary process are independent of the actions under this policy. However, either action may rely on relevant facts or circumstances established during the parallel process.

H. Appeal:

1. A prisoner who is removed from a program under this policy may not file a grievance over that action. A prisoner's right to review a decision to remove him or her from a program is limited to the classification appeal procedures set out in this policy.
2. When a prisoner is removed from a program pending appeal, the position may only be temporarily filled until the appeal process is completed. A prisoner temporarily filling such a position should be advised that his or her participation in the program is temporary pending the outcome of the appeal. If the appeal is granted, the removed prisoner must be reinstated to the program as soon as practicable under the circumstances, or within five working days, whichever occurs sooner.

VIII. Implementation

This Policy & Procedure is effective when it is signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document.

11/26/2014

Date

SIGNATURE ON FILE

Joseph D. Schmidt, Commissioner
Department of Corrections

APPX. 10 P. 5 of 6

Forms Applicable to this Policy:

808.04A (Warning Regarding Program Participation)

808.04B (Notice of Intent to Remove From Program)

808.04C (Temporary Suspension From Program)

Revised: 3/15/1997
Original: 1/15/1992

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STATE OF ALASKA
DEPARTMENT OF CORRECTIONS **Inmate Copy**

Request For Interview Form:

(NOTE: Do not use for medical emergencies!)

Printed Name:	<u>Arion Washington</u>	Institution:	<u>LCCC</u>	
Offender #:	<u>520119</u>	Mod / Cell:	<u>F4-52T</u>	
			Date:	<u>06-26-20</u>

To: PO Varnell

Request:

EM is a rehabilitative program. I was removed from this program without due process consideration of the negative affects upon my rehabilitation. Nor was my employees or landlord given notice or opportunity to speak about how my removal without notice negatively hurt their business, now they never want to assist in reentry again. I want a new classification hearing to assess all this as my right to due process and rehabilitation were violated. Also DOC is financially liable for my lost property, lost wages, and compensatory damages for violating my rights.

Prisoner Signature:

[Signature]

Action Taken:	<u>E.M. is a Privileged Program that you violated the conditions of. It is not the responsibility of the Department to notify your landlord or place of work when you get returned to custody as an inmate. You are not up for a release until 2021, and you are still minimum. You appealed your return to custody and were given conditional approval after re-entry, and 60 days on furlough. You are not eligible for furlough until October 2nd, 2020.</u>		
Employee Signature:	Employee Printed Name:	Date:	
	<u>[Signature]</u>	<u>6/20/20</u>	

Final Action Taken:

Duplicate

Employee Signature:	Employee Printed Name:	Date:

Check here if response to prisoner was made verbally: ☐ (Not allowed for medical RFIs.)

Instructions: Request must be specific and state the action being requested (i.e., interview, hearing, etc.). Requests are to be responded to within a reasonable time frame after receipt.

Distribution: Original to Prisoner Case Record.
Copy to Prisoner. (Unless response was made verbally.)
Copy to Electronic Health Record. (If medical RFI.)

APPX. 11